

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ISAIAH GERAFINO, LENFORD  
JOHNSTON, SARA FAUST, SUKOL  
PHAIROJ, CHELSEA LINDMAN,  
VIRGINIA WORLEY, ROSALINA  
WALTER and THOMAS CAMPBELL on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

CIVIL ACTION NO: 07-cv-06729  
(RJS)

JEAN-GEORGES ENTERPRISES, LLC;  
JEAN-GEORGES MANAGEMENT LLC;  
PERRY STREET PROJECT LLC;  
TRIOMPHE RESTAURANT CORP. d/b/a  
JEAN GEORGES RESTAURANT and  
NOUGATINE; ORIGINE LLC d/b/a JOJO  
RESTAURANT; SPICE MARKET LLC;  
LEONARD STREET LLC d/b/a 66  
RESTAURANT; JEAN-GEORGES  
VONGERICHTEN and JOHN DOES 1-10

Defendants.

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DECLARATION OF MINKYUNG CHOI

I, Minkyung Choi, under penalty of perjury, declare as follows:

1. My name is Minkyung Choi. I give this Declaration based on my own knowledge for use in the proceeding specified above. I am over the age of 21 and competent to give this Declaration.
2. I am currently employed as a Floor Manager at Mercer Kitchen Restaurant.
3. From April 2005 to March 2007, I worked as a Maître d' at Spice Market Restaurant ("Spice Market").

4. During the time I was a Maître d', the tips at Spice Market were pooled and distributed among the employees who were actively engaged in table service. Each position was assigned a certain number of "points" in the pool, which reflected the level of the position and the depth of guest interaction typically required by that position. Each point reflected an equal share in the pool, and the total tips were apportioned among the participating employees accordingly.

5. I shared in the tip pool at Spice Market until late 2006.

6. I was interviewed by Lois Freedman before I was hired as a Maître D' at Spice Market. Ms. Freedman told me that my job was to be "hands on" with the guests and to oversee all aspects of the service on the Restaurant's floor.

7. At Spice Market, each table is assigned a server, busser and runner. Servers typically take food and beverage orders. Bussers typically clear and reset tables and set up the dinning room. Runners bring food to guests' tables and oversee orders coming into the stations from the kitchen.

8. During the service, I spent a significant amount of my time on the dining room floor. As I was instructed to do by my General Manager, I "touched" every guest table in the dining room each evening. To that end, I greeted guests, took orders and served food and beverages on a daily basis. I often lent a hand bussing tables when the restaurant was busy.

9. The servers, bussers and runners were responsible only for their table(s) within the dining room. My presence on the dining room floor was critical because I monitored the overall dining room service and determined where my assistance was most urgently needed, whereas the servers, bussers and runners were supposed to focus on their particular table(s).

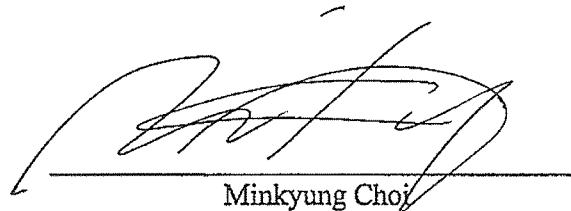
10. The General Manager at Spice Market had the exclusive authority to make decisions with respect to hiring, firing and/or disciplining employees. I reported any incidents to the General Manager, who then took action directly with the employee.

11. The General Manager handled all payroll matters.

12. This Declaration is a voluntary statement made by me. I have carefully read this Declaration and fully understand its contents. There have been no threats made to me, express or implied, concerning my employment, potential loss of employment, or loss of any employment benefits whatsoever to induce me to make this statement. There have also been no express or implied promises of employment or other benefits to induce me to make this voluntary statement.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: July 3, 2008  
New York, New York



Minkyung Choi